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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,268	02/09/2004	Akinwale Akinpelu	3555-0124P	8580
7590 Mr. S. H. Dworetzky AT&T Corp. One AT&T Way Room 2A-207 Bedminster, NJ 07921	09/24/2007		EXAMINER SCUDERI, PHILIP S	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 09/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/773,268	AKINPELU ET AL.	
	Examiner	Art Unit	
	Philip S. Scuderi	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-6 and 13-17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 3 recite the limitation “the secondary nodes” (i.e., multiple secondary nodes).

There is insufficient antecedent basis for this limitation in parent claim 1. Note that parent claim 1 merely recites “at least one secondary node” (i.e., one or more secondary node).

Claims 13 and 14 recite the limitation “the secondary nodes” (i.e., multiple secondary nodes).

There is insufficient antecedent basis for this limitation in the parent claims. Note that parent claim 11 merely recites “at least one secondary node” (i.e., one or more secondary node).

Claim Rejections- 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, 10-16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Britz (U.S. Patent No. 6,973,269).

As to claim 1, Britz teaches a multi-service network system which forms a wide area network connecting a plurality of metropolitan areas, comprising:

a primary network ring (primary fiber metropolitan ring 505) including at least one primary node (a first distribution/aggregation node 510/530) and at least one secondary node (a second distribution/aggregation node 510/530) [see fig. 5a, col. 13, ll. 3-31]; and

a secondary network ring (fiber mini-ring 540) connecting the at least one secondary node (second distribution/aggregation node 510/530) to business premises equipment (a tertiary aggregation and distribution node 535, e.g., a small-business switch), wherein the business premises equipment (tertiary aggregation and distribution node 535) are associated with respective customer premises equipment [see fig. 5b, col. 4, ll. 25-30, col. 5, ll. 22-26, col. 6, ll. 49-55, col. 13, ll. 32-43].

As to claim 2, Britz teaches that the primary network ring (505) includes at least two primary nodes (510) and the secondary nodes (other nodes 510) are located between the primary nodes (510) on the primary network ring (505) [see fig. 5a].

As to claim 3, Britz teaches that the customer premises equipment (at nodes 535) are located between secondary nodes (510/530, 525) on the secondary network ring (540) [see fig. 5b].

As to claim 4, Britz teaches that the business premises equipment (535) are connected to the customer premises equipment through a tertiary network ring [see col. 4, ll. 22-41].

As to claim 5, Britz teaches that the links which connect the at least one primary node (510), the at least one secondary node (510), the business premises equipment (535) and the customer premises equipment are optical links [see fig. 5a, 5b, col. 4, ll. 22-41, col. 13, ll. 3-43].

As to claim 7, Britz teaches that the business premises equipment (535) have one of bi-directional line switched ring and uni-directional path switched ring functionality [see fig. 5b, col. 13, ll. 32-43].

As to claim 10, Britz teaches that the primary network ring (505) is formed in the vicinity of a metropolitan area [see fig. 5a, col. 13, ll. 8-11].

As to claim 11, Britz teaches a multi-service network system which provides voice, data and video network services to a customer, comprising:

a primary network ring (primary fiber metropolitan ring 505) including at least one primary node (a first distribution/aggregation node 510/530) and at least one secondary node (a second distribution/aggregation node 510/530) [see fig. 5a, col. 13, ll. 3-31]; and

a secondary network ring (fiber mini-ring 540) connecting the at least one secondary node (second distribution/aggregation node 510/530) to business premises equipment (a tertiary aggregation and distribution node 535, e.g., a small-business switch), wherein the business premises equipment (tertiary aggregation and distribution node 535) are associated with respective customer premises equipment which aggregate (gather or receive all) customer traffic and provide the network services to a customer [see fig. 5b, col. 4, ll. 25-30, col. 5, ll. 22-26, col. 6, ll. 49-55, col. 13, ll. 32-43].

As to claim 12, Britz teaches that the network system forms a wide area network connecting major metropolitan areas [see fig. 5a, col. 13, ll. 8-11].

As to claim 13, Britz teaches that the primary network ring (505) includes at least two primary nodes (510/530) and secondary nodes (510/530) between the primary nodes (510/530) on the primary network ring (505) [see fig. 5a].

As to claim 14, Britz teaches that the customer premises equipment (at nodes 535) are located between secondary nodes (510/530, 525) on the secondary network ring (540) [see fig. 5b].

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As to claim 15, Britz teaches that the business premises equipment (535) are connected to the customer premises equipment through a tertiary network ring [see col. 4, ll. 22-41].

As to claim 16, Britz teaches that the links which connect the at least one primary node (510), the at least one secondary node (510), the business premises equipment (535) and the customer premises equipment are optical links [see fig. 5a, 5b, col. 4, ll. 22-41, col. 13, ll. 3-43].

As to claim 18, Britz teaches that the business premises equipment (535) have one of bi-directional line switched ring and uni-directional path switched ring functionality [see fig. 5b, col. 13, ll. 32-43].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britz (U.S. Patent No. 6,973,269) in view of Sevevirathne (U.S. Patent No. 6,798,740).

Britz discloses that the links are optical links [see, e.g., Britz at col. 13, ll. 60-65]. But, Britz does not disclose that the links use known STM standards. It would have been obvious to one of ordinary skill in the art to use any of the known STM standards here because using STM results in improved network efficiency [see Sevevirathne at col. 4, ll. 19-26].

Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britz (U.S. Patent No. 6,973,269) in view of Ryu (U.S. Patent No. 5,481,718).

Britz discloses that the equipment communicates over optical networks [see, e.g., Britz at col. 13, ll. 60-65]. But, Britz does not disclose that the protocol is asynchronous transfer protocol (ATM). It would have been obvious to one of ordinary skill in the art to use ATM here because ATM provided well known advantages such as reducing protocol processing load [see Ryu at col. 31, ll. 4-14].

Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britz (U.S. Patent No. 6,973,269) in view of Sheets (U.S. Patent No. 5,689,546).

Britz does not disclose a system that monitors the functioning of the customer premises equipment. Nonetheless, various such systems were well known in the art. For example, Sheets teaches a system that monitors the functioning of the customer premises equipment [see Sheets at abstract]. It would have been obvious to one of ordinary skill in the art to use such a system here because such monitoring systems enabled central offices investigate performance characteristics of transmission lines [see Sheets at col. 2, ll. 38- 54].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Philip S. Scuderi/



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